

Appl. No. 09/515,766
Amdt. Dated April 30, 2004
Reply to Office action of March 5, 2004
Attorney Docket No. P11150-US1
EUS/J/P/04-1087

REMARKS/ARGUMENTS

1.) Amendments

The Applicants have amended claims 1, 3, 5, 15 and 18. Claims 1, 3, 5-15 and 18-31 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Objections

The Examiner objected to claims 1 and 15 for a minor informality. The Applicants have amended those claims to address the Examiner's concern.

The Examiner also objected to claims 3, 5 and 18 for depending on claims that were previous cancelled. The Applicants have amended those claims to correct the error.

3.) Claim Rejections - 35 U.S.C. §112

The Examiner rejected claims 1, 3, 5-15 and 18-31 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner made a specific rejection with respect to claims 1 and 14, and a general rejection of claims 3, 5-13, 15 and 18-31, which are dependent therefrom. The Applicants traverse the rejection.

Claim 1 recites:

1. (Currently Amended) Communication network having a packet switched protocol based cellular telephone network comprising a first layer for transferring signalling information assigned to a telephone call being processed by the communication network, a second layer for transferring payload information assigned to the telephone call and

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interface means for coupling the cellular telephone network to a further network, the interface means comprising signalling information exchange function between the cellular telephone network and the further network and payload information exchange function between the cellular telephone network and the further network, the first layer and the second layer of the cellular telephone network being coupled to the interface means, wherein the second layer of the cellular telephone network transfers the payload information of the telephone call to and from the interface means on a direct route assigned to the telephone call, wherein the first layer of the cellular telephone network comprises at least one mobile services switching center being coupled to the interface means, and wherein the second layer of the cellular telephone network comprises a number of base transceiver stations, each base transceiver station handling the radio link protocol functions to mobile stations within a cell area assigned to the respective base transceiver station and wherein each base transceiver station is directly connected to the interface means for payload information exchange within the second layer. (emphasis added)

With respect to claims 1 and 14, the Examiner states that the limitation "... the first and second layer of the cellular telephone network ..." in lines 8 and 9 "is confusing because the claim earlier recites that the communication network (as a whole) comprises the first and second layer and so these layers are not specific to the cellular telephone network (see the preamble of the claim)." The Applicants believe the Examiner has misread the claim.

Claim 1 recites "[c]ommunication network *having* a packet switched protocol based cellular telephone network ..." The claim term "having" is an open ended term, meaning that the communication network *includes* a packet switched protocol based cellular telephone network, and can include other, or "further" networks. Thus, the "packet switched protocol based cellular telephone network" is a subset of the overall "communication network." The "communication network" also includes "interface means for coupling the cellular telephone network to a further network." Next, the "packet

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switched protocol based cellular telephone network" *comprises* "a first layer for . . ." and "a second layer for . . .", and "the first layer and the second layer of the cellular telephone network [are] coupled to the interface means." Thus, the communications network, as a whole, does not comprise the first and second layers; rather, the first and second layers are identified as belonging to the packet switched protocol based cellular telephone network which forms at least a portion of the communications network (the communications network can include "further" networks, which may or may not be packet switched protocol based cellular telephone networks). The claims distinctly claim the subject matter that Applicants regard as the invention and, therefore, the Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 5-15 and 18-31 as being indefinite.

4.) Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 1, 3, 5-15 and 18-21 as being anticipated by United States Patent No. 6,434,140, issued to Barany, *et al.* Whereas Barany fails to disclose each and every limitation of those claims, the Applicants traverse the rejection.

Claim 1 recites:

1. Communication network having a packet switched protocol based cellular telephone network comprising a first layer for transferring signalling information assigned to a telephone call being processed by the communication network, a second layer for transferring payload information assigned to the telephone call and interface means for coupling the cellular telephone network to a further network, the interface means comprising signalling information exchange function between the cellular telephone network and the further network and payload information exchange function between the cellular telephone network and the further network, the first layer and the second layer of the cellular telephone network being coupled to the interface means, wherein the

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second layer of the cellular telephone network transfers the payload information of the telephone call to and from the interface means on a direct route assigned to the telephone call, wherein the first layer of the cellular telephone network comprises at least one mobile services switching center being coupled to the interface means, and wherein the second layer of the cellular telephone network comprises a number of base transceiver stations, each base transceiver station handling the radio link protocol functions to mobile stations within a cell area assigned to the respective base transceiver station and wherein the base transceiver station being directly connected to the interface means for payload information exchange within the second layer. (emphasis added)

According to Applicants' invention, a first layer for transferring signaling information is used between mobile services switching centers and an interface means for coupling the cellular telephone network to a further network, and a second layer for directly transferring payload information is used between base transceiver stations and the interface means.

It appears that the examiner has confused two scenarios. First, considering only the circuit switched (CS) domain. In Barany, a voice call is split into payload (see col. 4 and figures 2 and 4, paths T1 and IMT) and signaling (see col. 4 and figures 2 and 4, paths A and ISUP) information. They are connected in the interface (413 and Gs'IP). The paths for signaling and payload information, however, are the same and the payload information is not sent directly from the base station to the interface, as recited in Applicants' claim 1. Furthermore, according to Barany, the paths for both signalling and payload information pass through both the base transceiver station (202) and mobile switching center (203) in route to the network interface means (e.g., SGSN), whereas in Applicants' invention payload information is transferred directly from the base transceiver station (BTS 8, Figure 1) to the network interface means (see Media Gateway 10, Figure 1).

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Second, considering the CS network and packet switched (PS) network. It appears that the Examiner has not distinguished between two networks (CS and PS) and two layers within one cellular network. For him both scenarios are the same. Barany discloses two networks (circuit switched network CS 403/404 and a packet-switched network GPRS-136, 406) and not two layers for payload and signaling within one PS-CS domain. In Barany, a voice call goes via CS and a data call via PS, where a call consists of payload and signaling information. Therefore, considering the two networks, it is to say that payload and signaling information goes either via CS for a voice call (see column 4, lines 21-31 and 37-39), or via PS for a data call (see column 4, lines 32-37). Thus, according to Barany, each call is distinguished between voice call and data call and according to this different paths are taken. In contrast, according to Applicants' invention, signaling and payload information for a single call are split into different paths. Accordingly, Barany fails to anticipate claim 1.

Whereas independent claim 14 includes limitations analogous to those of claim 1, Barany also fails to anticipate that claim. Moreover, whereas claims 2 and 5-13 are dependent from claim 1, and claims 15 and 18-21 are dependent from claim 14, and include the limitations of their respective base claims, those claims are also not anticipated by Barany. The Applicants, therefore, respectfully traverse the rejection of claims 1, 3, 5-15, and 18-21 as being anticipated by Barany.

5.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 22-31 as being unpatentable over Barany in view of Alperovich, *et al.* (US 5,940,763). The Applicants traverse the rejection.

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As described *supra*, Barany fails to anticipate claim 14, from which claims 22-31 are dependent. Alperovich also fails to overcome the deficiencies of Barany to teach each and every limitation of claim 14. Therefore, whereas claims 22-31 are dependent from claim 14, and include the limitations thereof, those claims are also not obvious over Barany in view of Alperovich.

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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3, 5-15 and 18-31.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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